



City of Wilmington

Rysheema J. Dixon
City Council Member At-Large

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Community Development & Urban Planning Committee

Rysheema J. Dixon, Chair
Yolanda McCoy, Vice-Chair
Ernest "Trippi" Congo, II
Zanthia Oliver
Va'Shun "Vash" Turner
Dr. Hanifa Shabazz, Ex-Officio Member

➤ **REVISED NOTICE**

Community Development & Urban Planning Committee Meeting

May 9, 2019

5:00 p.m.

1st Floor Council Committee Room

Agenda

- A Resolution Supporting the City's Application to the State to Expand the Boundaries of the City's Downtown Development District and Appointing the City Planning Director to serve as the District Administrator
- A Resolution Authorizing the Mayor to File the Fiscal Year 2020 Annual Action Plan with the U.S. Department of Housing and Urban Development including funding for the Community Development Block Grant (CDBG), HOME Improvement Program (HOME), Emergency Solutions Grants (ESG), and Housing Opportunities for Persons with AIDS (HOPWA)
- A Resolution Approving Amendments to the Comprehensive Development Plan for the Northwest Analysis Area
- **Ord. 19-018** An Ordinance to Rezone the Parcel of Land Located at 700 Lea Boulevard from R-2 (One-Family Detached Dwellings and One-Family Semi-Detached Dwellings) to R-5-A-1 (Low-Medium Density Apartment Houses) Zoning Classification
- **Ord. 19-019** An Ordinance to Amend Chapter 13 of the City Code Regarding Commercial Property Maintenance
- **Ord. 19-021** An Ordinance to Amend Chapter 34 of the City Code to Authorize Publication of a Problem Landlord List
- **Ord. 18-056** Amend Chapter 5 of the City Code Regarding Businesses

If public comment is permitted during this committee meeting, any member of the public who wishes to speak during the committee meeting will be limited to three minutes per agenda item. If the public's permission to comment is abused, the Chair may exercise greater discretion in limiting public comment.

CONTINUED ON NEXT PAGE

- A Resolution calling upon the Delaware General Assembly to allow for campaign funds to be used for child care
- A Resolution encouraging the Delaware General Assembly to examine the potential benefits of doulas on birth outcomes, and to create a taskforce
- A Resolution encouraging the Delaware General Assembly to refine or mandate policies regarding lactation rooms

(Rev. 2, 05.08.19)

CONTINUED FROM FIRST PAGE

If public comment is permitted during this committee meeting, any member of the public who wishes to speak during the committee meeting will be limited to three minutes per agenda item. If the public's permission to comment is abused, the Chair may exercise greater discretion in limiting public comment.

Wilmington, Delaware
May 16, 2019

#

Sponsor:

**Council
Member
Dixon**

WHEREAS, under the Downtown Development Districts Act, 22 *Del. C.* § 1901 *et seq.* (the “Act”), the State of Delaware (“State” or “Delaware”) may designate districts within Delaware’s cities, towns and unincorporated areas that will qualify for significant development incentives and other State benefits (the “Downtown Development Districts Program”); and

WHEREAS, these districts are known as Downtown Development Districts (“Development Districts”); and

WHEREAS, the State designated the City of Wilmington’s (“City”) initial Development District (the “Wilmington District”) on January 11, 2015; and

WHEREAS, the State has subsequently amended the Wilmington District’s boundaries four times between 2015 and 2017 in order to maximize incentives and benefits within the Wilmington District; and

WHEREAS, the Office of State Planning Coordination (the “OSPC”) has set 225 acres as the maximum territorial allowance for the Wilmington District; and

WHEREAS, the Wilmington District’s boundaries currently contain 224.3 acres of land; and

WHEREAS, the OSPC has mandated that each local government appoint an administrator for its respective Development District (the “District Administrator”) who will serve as the chief point of contact for the Development District and will be responsible for all tasks involved in implementing the Development District, as well as all required record keeping and reporting; and

WHEREAS, under the Act, each participating government must submit a plan that includes the boundaries of, and a detailed planning and development strategy for, the Development District (the “District Plan”), and the City’s District Plan has been reviewed and approved on an annual basis by the OSPC since the Wilmington District was designated; and

WHEREAS, under the Act, each applicant must also propose incentives that address local economic and community conditions and that will help achieve the purposes set forth in the Act (the “Local Incentives”), and such Local Incentives were included in the City’s application (the “Application”) for the designation of the Wilmington District; and

WHEREAS, on February 13, 2019, the State announced the opportunity for existing Development Districts to apply for additional acreage to be added to their existing boundaries, with those cities with a population of over 30,000 residents being permitted to add up to twenty-five (25) acres to their Development Districts; and

WHEREAS, as illustrated on the map attached hereto and incorporated herein as Exhibit “A”, the City plans to submit an application to the State by the May 30, 2019 deadline to add 23.138 acres of the twenty-five (25) acres of territory available to the Wilmington District boundaries, bringing the total Wilmington District territory to 247.438 acres; and

WHEREAS, governmental agencies are not eligible to participate in the Downtown Development Districts Program to the extent that government-owned properties would benefit, and the boundaries of the Wilmington District established in 2015 included three governmental buildings – namely, the Louis L. Redding City/County Building, the Elbert N.

Carvel State Building, and the J. Caleb Boggs Federal Courthouse (collectively, the “Buildings”) – and one public plaza – namely, the Peter Spencer Plaza (the “Plaza”); and

WHEREAS, the City will remove the 4.805 acres that contain the Buildings and the Plaza, including the street bed of the 800 block of French Street, from the Wilmington District, as illustrated on the map attached hereto and incorporated herein as Exhibit “A”, thereby bringing the final total Wilmington District territory to 242.633 acres, which leaves approximately seven (7) acres of territory in reserve for use in future boundary expansions; and

WHEREAS, based upon the fact that the City’s four years of participation in the Downtown Development Districts Program has resulted in private investors and property owners completing or presently working on new construction and rehabilitation projects valued at over \$645 million, City Council reaffirms its strong belief that the Wilmington District stimulates investment in the City’s commercial business district and its adjacent neighborhoods, therefore strengthening the financial vitality and urban fabric of the City.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that City Council supports the City’s application to the State’s Cabinet Committee on Planning Issues and the Office of State Planning Coordination to expand the Wilmington District’s boundaries from 224.3 to 242.633 acres.

BE IT FURTHER RESOLVED that the City’s Director of the Department of Planning and Development (the “Planning Director”) is hereby appointed to serve as the District Administrator for the Wilmington District and the Planning Director, or his or her designee, is hereby authorized to (i) execute such documents and enter into such agreements as may be necessary or desirable in connection with Downtown Development Districts

Program and the rights and the obligations of the City thereunder and (ii) carry out all Wilmington District administrative and reporting requirements on behalf of the City for the duration of the Wilmington District designation.

BE IT FURTHER RESOLVED that the City will adhere to the District Plan and the Local Incentives contained in the Application for the duration of the Wilmington District.

Passed by City Council,

ATTEST: _____
City Clerk

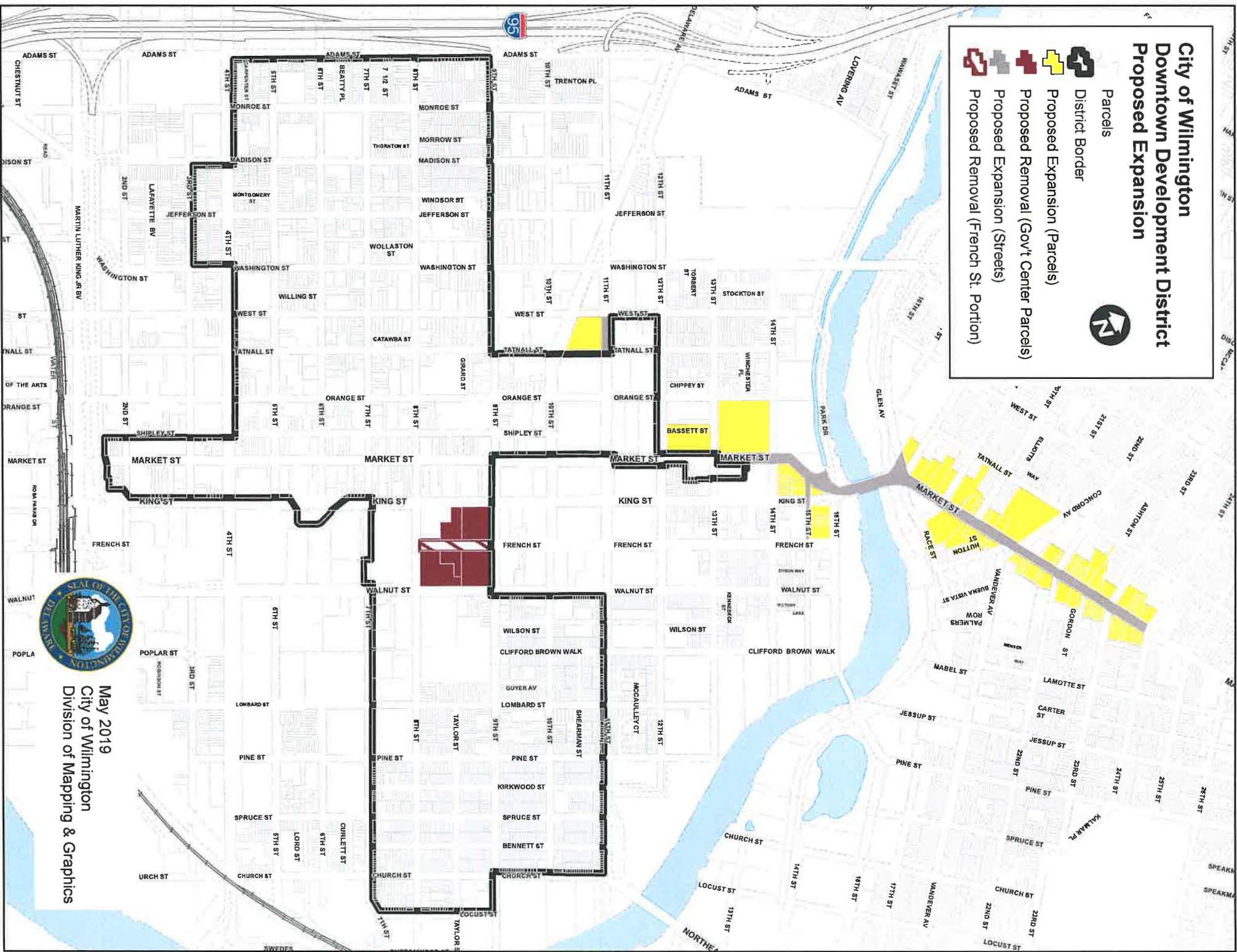
SYNOPSIS: This Resolution supports the City's application to the State of Delaware to expand the boundaries of the City's Downtown Development District from 224.3 to 242.633 acres. In addition, this Resolution appoints the City's Director of the Department of Planning and Development to serve as the District Administrator for the City's Downtown Development District.

W0105642

EXHIBIT A

City of Wilmington Downtown Development District Proposed Expansion

- Parcels**
- District Border
 - Proposed Expansion (Parcels)
 - Proposed Removal (Gov't Center Parcels)
 - Proposed Expansion (Streets)
 - Proposed Removal (French St. Portion)



May 2019
City of Wilmington
Division of Mapping & Graphics

Wilmington, Delaware
May 16, 2019

#

Sponsor:

**Council
Member**

WHEREAS, the City of Wilmington is an Entitlement Community for purposes of the Community Development Block Grant (CDBG), HOME Partnership Program (HOME), Emergency Solutions Grant (ESG), and Housing Opportunities for Persons With AIDS (HOPWA); and

WHEREAS, the United States Department of Housing and Urban Development (“HUD”) regulations require a consolidated application process for funds for the Community Development Block Grant (CDBG), HOME Partnership Program (HOME), Emergency Solutions Grant (ESG), and Housing Opportunities for Persons With AIDS (HOPWA); and

WHEREAS, the Council desires that the City of Wilmington participate in HUD’s Consolidated Plan process; and

WHEREAS, City Council’s Community Development and Urban Planning Committee has completed its review of the proposed Fiscal Year 2020 Annual Action Plan, pursuant to a determination that such review should be completed prior to, and, in effect, be separate from the enactment of the City’s Fiscal Year 2020 Annual Operating Budget; and

WHEREAS, the Community Development and Urban Planning Committee and the Mayor’s Office have reached a consensus with respect to specific categories of spending and the amount of funds to be allocated to each such category, as set forth in the Fiscal Year 2020 Annual Action Plan Budget, a copy of which is attached hereto as Exhibit “A”; and

WHEREAS, the Community Development and Urban Planning Committee and the Mayor's Office have agreed further that any substantial changes as defined in the Consolidated Plan regulations in the aforesaid categories and funding amounts will be reviewed in full by the Mayor's Office with the Community Development and Urban Planning Committee before implementation; and

WHEREAS, the referenced HUD regulations require that funding applications for the above-referenced funding sources must meet the public action requirements of the Consolidated Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that Mayor Michael S. Purzycki, or his designee, is hereby authorized to submit the Annual Action Plan for Fiscal Year 2020 to the U.S. Department of Housing and Urban Development, which Plan allocates \$2,137,652 for the Community Development Block Grant (CDBG); \$185,233 for Emergency Solutions Grants (ESG); \$510,394 for HOME Investment Partnerships (HOME); and \$789,218 for Housing Opportunities for Persons With AIDS (HOPWA), which together will comprise a total Fiscal Year 2020 Annual Action Plan Budget of \$3,622,497.

BE IT FURTHER RESOLVED that the City Council hereby endorses the specific enumeration of categories and amounts set forth in the Fiscal Year 2020 Annual Action Plan Budget, a copy of which is attached hereto as Exhibit "A" and made a part hereof, and so endorses said enumeration, with the understanding that the Mayor's Office will expend funds and administer the funding program in a manner consistent with said enumeration and will review substantial changes, as defined by the Consolidated Plan regulations, in the enumeration of categories and amounts with the Community

Development and Urban Planning Committee of City Council prior to the implementation of any such changes.

BE IT FURTHER RESOLVED that Michael S. Purzycki, Mayor of the City of Wilmington, or his designee, is hereby authorized to execute and submit to the United States Department of Housing and Urban Development the Annual Action Plan for Federal Fiscal Year 2020 and he is hereby further authorized to certify to such matters as the U.S. Secretary of Housing and Urban Development may require with the application, to provide additional information as may be required, and to administer and expend such funds as are received or become available in accordance with the Consolidated Plan regulations and the regulations governing Community Development Block Grant (CDBG), HOME Partnership Program (HOME), Emergency Solutions Grants (ESG), and Housing Opportunities for Persons with AIDS (HOPWA).

Passed by City Council,

ATTEST: _____
City Clerk

SYNOPSIS: This Resolution authorizes the Mayor or his designee to file the Fiscal Year 2020 Annual Action Plan with the U.S. Department of Housing and Urban Development including funding for the Community Development Block Grant (CDBG), HOME Improvement Program (HOME), Emergency Solutions Grants (ESG), and Housing Opportunities for Persons With AIDS (HOPWA).

EXHIBIT A

HOPWA GRANT TOTAL ALLOCATION	\$789,218
Catholic Charities, Inc.	\$10,000
Cecil County Health Department	\$36,000
Delaware HIV Services, Inc.	\$647,889
Ministry of Caring, Inc.	\$69,546
HOPWA Administration	\$25,783

HOME PROGRAM TOTAL ALLOCATION	\$510,394
Compton Towne Apartments	\$150,000
Pennrose LLC Riverside	\$120,798
Conerstone West CDC	\$110,000
CHDO Set-aside	\$78,557
HOME Administration	\$51,039

EMERGENCY SOLUTION GRANT TOTAL ALLOCATION	\$185,233
Family Promise - Shelter	\$17,000
Housing Alliance Delaware - Centralized Intake	\$19,000
Housing Alliance Delaware - CMIS	\$17,760
The Ministry of Caring, Inc. - Hope House I,II	\$25,000
The Salvation Army - Emergency Shelter	\$15,580
YWCA Delaware, Inc. - Rapid Re-Housing	\$77,001
ESG Administration	\$13,892

CDBG HOUSING RELATED PUBLIC SERVICES	\$213,884
Catholic Charities - Bayard House	\$15,000
Catholic Charities, Inc. - Homeless Prevention Services	\$20,000
D.C.R.A.C. - Housing Clinic	\$3,000
Delaware Center for Homeless Veterans	\$10,000
Delaware Division of Social Services	\$10,000
Delaware Ecumenical Council on Children and Families	\$2,500
Neighborhood House, Inc - Housing Intervention	\$5,000
Neighborhood House, Inc. - Homeless Prevention	\$5,000
Sojourners Place - Transitional Housing	\$10,000
STEHM, Inc. - Direct Case Management	\$5,000
The Ministry of Caring, Inc. - House of Joseph I	\$15,000
The Salvation Army - Code Purple	\$5,000
The Wilmington HOPE Commission - Reentry Services	\$18,500
West End Neighborhood House Inc - Life Lines	\$25,000
YMCA of Delaware - Supportive Housing	\$20,000
YWCA Delaware - Home Life Management Center	\$34,884
Housing Opportunities of Northern Delaware	\$5,000
Family Counseling of St. Paul (RCCSP)	\$5,000

CDBG YOUTH PUBLIC SERVICES	\$116,568
Christiana Cultural Arts Center - Future Entrepreneurs	\$10,000

Christiana Cultural Arts Center - Heart Under the Hoodie	\$12,000
Delaware Futures, Inc. - Success One Student At A Time	\$5,000
Latin American Community Center - Homeless Prevention	\$5,000
Latin American Community Center - Evening Enrichment	\$5,000
Tech Impact - IT Works	\$10,000
The Challenge Program - Construction Training Program	\$33,568
West End Neighborhood House - Above Xpectation Track	\$11,000
YMCA of Delaware - YMCA Teen Engagement	\$13,000
Westside Grows Together	\$4,500
Wilmington Placemakers	\$7,500

CDBG Real Estate and Housing Programs Total	\$789,201
CDBG Correct-A-Code Violation Program	\$300,000
DE Center for Horticulture Street Trees CDBG (PI)	\$72,000
Fair Housing	\$10,000
Ingleside Housing Project (Incl. Delivery)	\$0
Miscellaneous Housing Projects (CDBG)	\$404,201
WEDCO CDBG Loan Collections	\$3,000

CDBG Real Estate and Housing Salaries and MS&Es	\$1,017,999
CDBG Admin Salaries and MS&Es	\$414,530
CDBG Disposition Program Delivery	\$82,632
CDBG Home Repair Program Delivery	\$467,917
Planning Department - 106 Reviews	\$32,920
Rehab Division MS&Es	\$20,000

Total Fiscal Year 2020 Annual Action Plan Budget	\$3,622,497
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Wilmington, Delaware
June 6, 2019

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Sponsor:

**Council
Member
Gray**

WHEREAS, Section 5-600 of the Wilmington City Charter provides that modifications to the City's Comprehensive Development Plan may be recommended by the Planning Department with the advice of the City Planning Commission and adopted by City Council resolution after a public hearing; and

WHEREAS, the "Comprehensive Development Plan for the Northwest Analysis Area" (the "Northwest Comprehensive Plan") was adopted by City Council on January 7, 1999 and later amended on September 22, 2003; and

WHEREAS, Ordinance No. 19-018 has been introduced to City Council to amend the City's Official Building Zone Map relating to changing the zoning classification of 700 Lea Boulevard (Tax Parcel ID No. 26-009.10-002) (the "Parcel") from a zoning classification of R-2 (One-Family Detached Dwellings and One-Family Semi-Detached Dwellings) to a zoning classification of R-5-A-1 (Low-Medium Density Apartment Houses); and

WHEREAS, the City Planning Commission considered the Planning Department's analysis and testimony along with other evidence and testimony at its duly advertised public meeting held on March 19, 2019; and

WHEREAS, at its meeting on March 19, 2019, the City Planning Commission passed Resolution 03-19, which recommended the following amendments to the Northwest Comprehensive Plan: (i) revise Plan Map D, as illustrated on the map attached hereto and made a part hereof as Exhibit "A", in order to reflect the proposed rezoning of the Parcel from a zoning classification of R-2 (One-Family Detached Dwellings and One-Family Semi-Detached Dwellings) to a zoning classification of R-5-A-1 (Low-Medium Density Apartment

Houses); and (ii) revise Plan Map E, as illustrated on the map attached hereto and made a part hereof as Exhibit “B”, in order to reflect the change in proposed land use for the Parcel from “Public/Quasi-Public Institutional” to “Apartment Houses Medium-Low Density”; and

WHEREAS, in accordance with Wilmington City Charter Section 5-600(a), a duly advertised public hearing is scheduled to be held on June 6, 2019.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the City Council hereby approves the following amendments to the Comprehensive Development Plan for the Northwest Analysis Area: (i) revise Plan Map D to change the proposed zoning designation for 700 Lea Boulevard (Tax Parcel ID No. 26-009.10-002) from a zoning classification of R-2 (One-Family Detached Dwellings and One-Family Semi-Detached Dwellings) to a zoning classification of R-5-A-1 (Low-Medium Density Apartment Houses), as illustrated on the map attached hereto and made a part hereof as Exhibit “A”; and (ii) revise Plan Map E to change the proposed land use of 700 Lea Boulevard (Tax Parcel ID No. 26-009.10-002) from “Public/Quasi-Public Institutional” to “Apartment Houses Medium-Low Density”, as illustrated on the map attached hereto and made a part hereof as Exhibit “B”.

Passed by City Council,

ATTEST: _____
City Clerk

SYNOPSIS: This Resolution approves amendments to the Comprehensive Development Plan for the Northwest Analysis Area to change (i) the zoning designation for 700 Lea Boulevard (Tax Parcel ID No. 26-009.10-002) (the “Parcel”) from a zoning classification of R-2 (One-Family Detached Dwellings and One-Family Semi-Detached Dwellings) to a zoning classification of R-5-A-1 (Low-Medium Density Apartment Houses) and (ii) the land use designation for the Parcel from “Public/Quasi-Public Institutional” to “Apartment Houses Medium-Low Density”.

EXHIBIT A

MAP D NORTHWEST ANALYSIS AREA Proposed Zoning Changes

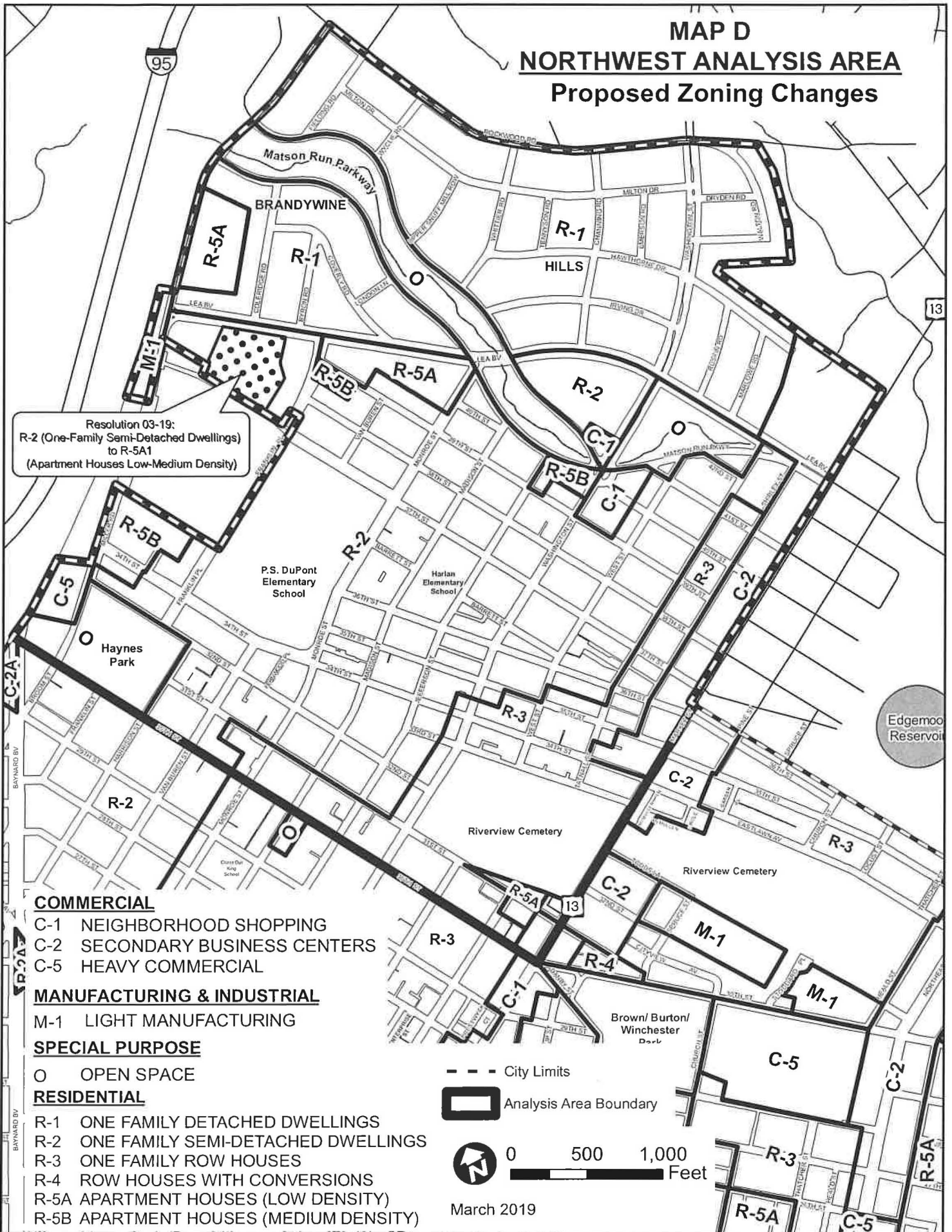
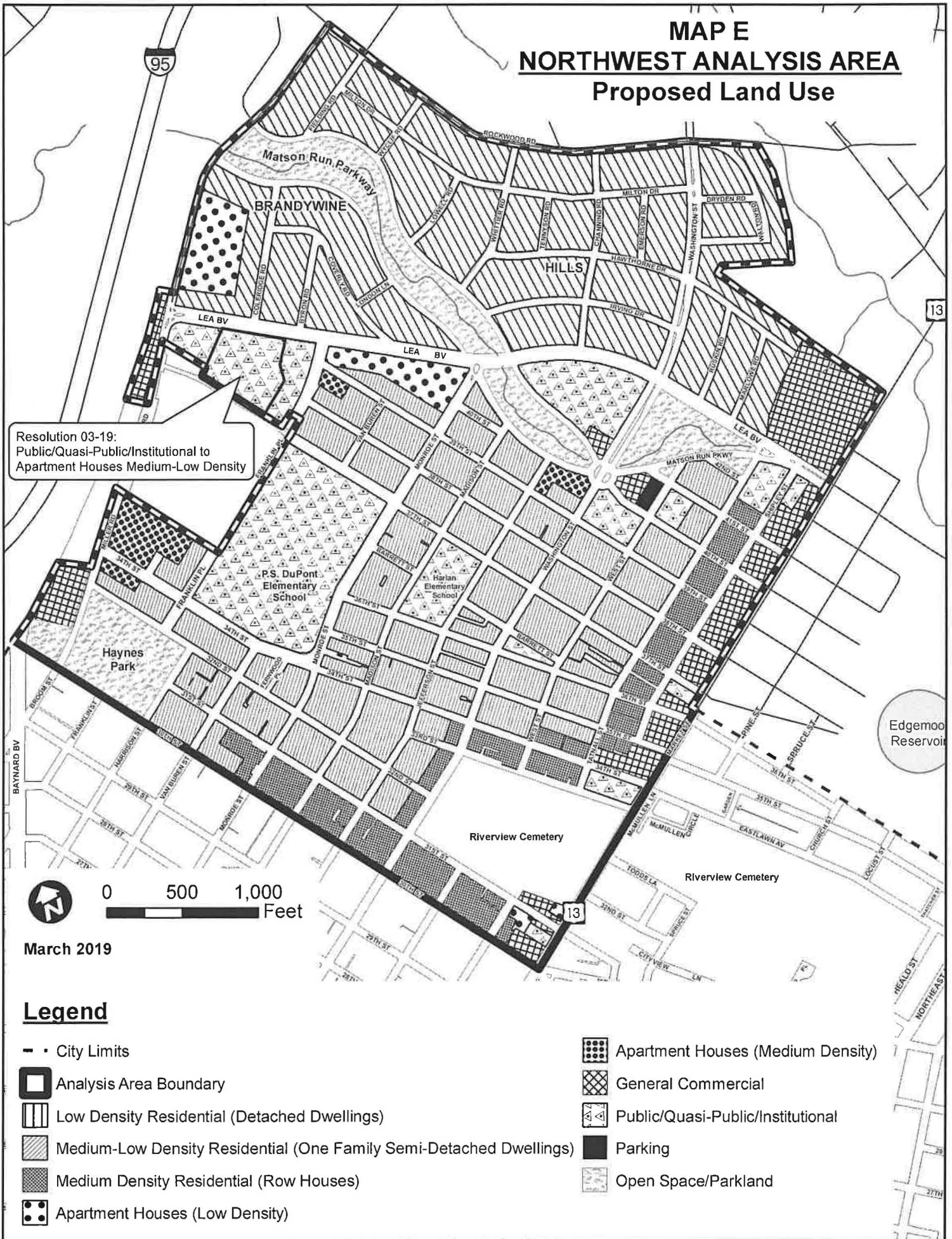


EXHIBIT B

MAP E NORTHWEST ANALYSIS AREA Proposed Land Use



AN ORDINANCE TO REZONE THE PARCEL OF LAND LOCATED AT 700 LEA BOULEVARD FROM R-2 (ONE-FAMILY DETACHED DWELLINGS AND ONE-FAMILY SEMI-DETACHED DWELLINGS) TO R-5-A-1 (LOW-MEDIUM DENSITY APARTMENT HOUSES) ZONING CLASSIFICATION

#4644

Sponsor:

Council
Member
Gray

WHEREAS, in accordance with and pursuant to Section 48-52 of the City Code, the City Planning Commission held a duly advertised public hearing at its March 19, 2019 meeting and adopted Planning Commission Resolution 4-19, which recommended approval of the rezoning of the parcel of land known as 700 Lea Boulevard, Wilmington, Delaware, being Tax Parcel ID No. 26-009.10-002 (the "Parcel"), from a zoning classification of R-2 (One-Family Detached Dwellings and One-Family Semi-Detached Dwellings) to a zoning classification of R-5-A-1 (Low-Medium Density Apartment Houses), as illustrated on the map attached hereto and made a part hereof as Exhibit "A"; and

WHEREAS, the City Council for the City of Wilmington deems it necessary and appropriate to rezone the Parcel from a zoning classification of R-2 (One-Family Detached Dwellings and One-Family Semi-Detached Dwellings) to a zoning classification of R-5-A-1 (Low-Medium Density Apartment Houses), as illustrated on the map attached hereto and made a part hereof as Exhibit "A".

NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON HEREBY ORDAINS:

SECTION 1. Section 48-97 of the Wilmington City Code and the "Building Zone Map, City of Wilmington, Delaware," dated January 19, 2006 (as subsequently amended), are hereby amended by changing the zoning classification of 700 Lea Boulevard, Wilmington, Delaware, being Tax Parcel ID No. 26-009.10-002, from a zoning classification of R-2 (One-Family Detached Dwellings and One-Family Semi-Detached Dwellings) to a zoning classification of R-5-A-1 (Low-Medium Density Apartment Houses), as illustrated on

the map attached hereto and made a part hereof as Exhibit "A".

SECTION 2. The rezoning of the Parcel described herein and identified in Exhibit "A" attached hereto and made a part hereof is consistent with the recommendations of the Comprehensive Development Plan for the Northwest Analysis Area, as amended by City Planning Commission Resolution 3-19.

SECTION 3. This Ordinance shall be deemed effective immediately upon its date of passage by City Council and approval by the Mayor.

First Reading.....April 18, 2019
Second Reading.....April 18, 2019
Third Reading.....

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this ____ day of _____, 2019.

Mayor

SYNOPSIS: This Ordinance rezones the parcel of land located at 700 Lea Boulevard in Wilmington, Delaware, being Tax Parcel ID No. 26-009.10-002, from a zoning classification of R-2 (One-Family Detached Dwellings and One-Family Semi-Detached Dwellings) to a zoning classification of R-5-A-1 (Low-Medium Density Apartment Houses).

W0105314

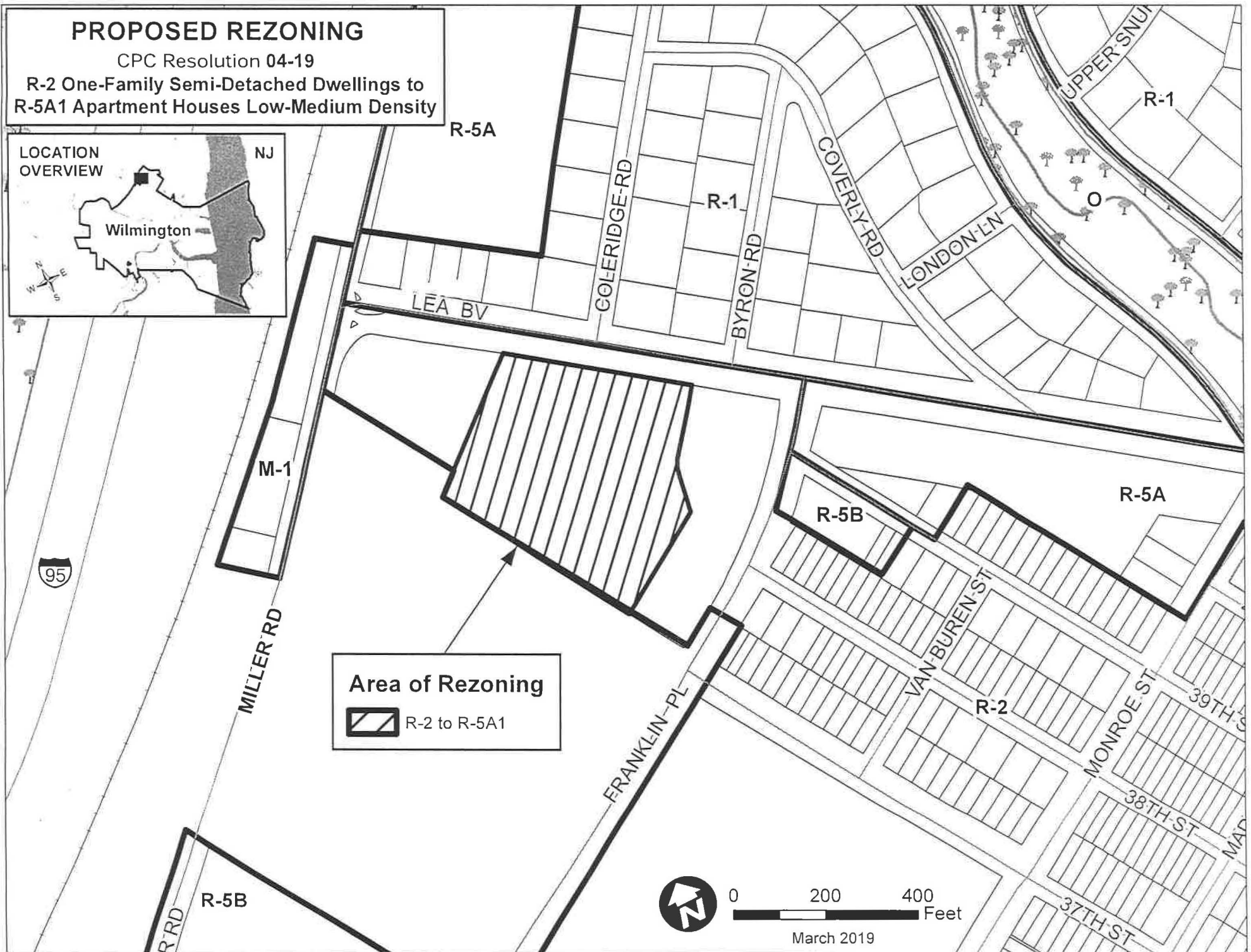
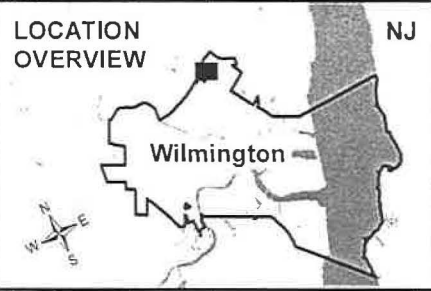
EXHIBIT A

PROPOSED REZONING

CPC Resolution 04-19

R-2 One-Family Semi-Detached Dwellings to
R-5A1 Apartment Houses Low-Medium Density

LOCATION
OVERVIEW



**AN ORDINANCE TO AMEND CHAPTER 13 OF THE CITY CODE REGARDING
COMMERCIAL PROPERTY MAINTENANCE**

#4645

Sponsor:

Council
Member
Oliver

WHEREAS, the collection, removal, and proper disposal of solid waste generated within the City of Wilmington is essential to the health, safety and welfare of the City's residents; and

WHEREAS, government can be ultimately responsible for establishing criteria needed to eliminate waste, for creating the economic and regulatory environment in which to achieve it, and for leading by example; and

WHEREAS, City Council wishes to establish the rules, regulations, and conditions which shall regulate the accumulation, removal, and disposal of garbage and other waste; and

WHEREAS, the proliferation of trash, litter, and sometimes garbage in neighborhoods located near commercial establishments selling edible commodities is unsightly, unhealthy, and has a negative effect on property values. The accumulation of litter, debris, trimmings or trash on any property, including the public right of way, which is generated on, or as a consequence of the use or maintenance of the property is the responsibility of the owner, agent, occupant, or lessee of property; and

WHEREAS, City Council desires to provide for a community environment having a "sense of place" and for the preservation and enhancement of the City's image and community character.

THE COUNCIL OF THE CITY OF WILMINGTON HEREBY ORDAINS:

SECTION 1. Chapter 13 of the City Code is hereby amended by adding the underlined language as follows:

Sec. 13-4. — Littering

- (a) Every sidewalk or footway between the curb stone and the building line along any of the public streets in the city in front of lots whereon is erected any dwelling house, office, place of business, railing, fence, stone or brick wall, or permanent structure of any kind, or in front of any vacant lots, and every public or private alley shall at all times be kept free of any garbage, rubbish, refuse, trash or other offensive materials, except for garbage, rubbish, refuse, and trash properly contained and placed on the sidewalk for regularly or specially scheduled refuse collection. The owner of any property or ground abutting on such sidewalk or footway or alley who fails to remove such garbage, rubbish, refuse, trash or other offensive materials shall be subject to, and liable for, a civil penalty in the amount of \$50.00, except that an owner of any property from which a business licensed as retail edible is operated shall be subject to, and liable for, a civil penalty in the amount of \$150.00.

...

- (e) Every person required to be licensed as a retailer of edible commodities pursuant to the provisions of chapter 5 of this Code, who or which conducts such business, in whole or in part, by operation as a mobile vendor in or from a motor vehicle of any kind, or conducts such business as a stationary vendor of such commodities, and every owner of a property on which any such business is operated, shall provide in or upon such motor vehicle or immediately adjacent to the location of such stationary vending device, a trash receptacle for deposit by customers and consumers of paper wrappings, cans, bottles or any similar material obtained by the purchaser or consumer from such vendor as part of the purchase of such commodities. In all instances, both the vendor and the owner of a property on which any such business is operated, shall be responsible for the disposal of all such trash so collected.

- i. Trash receptacles required by subsection (e) shall be substantially constructed of plastic, nonrusting metal or other leakproof, non-absorbent material. Such containers shall be capable of being tightly closed by lid so as to prevent insect breeding, spillage of refuse and other health and safety problems. The container shall be of such a size, shape and weight that, when filled, it may be easily handled by one (1) person.

SECTION 2. This Ordinance shall become effective thirty (30) days upon its date of passage by the City Council and approval by the Mayor.

First Reading..... April 18, 2019
Second Reading.... April 18, 2019
Third Reading.....

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this ____ day of _____, 2019.

Mayor

SYNOPSIS: Chapter 13, section 13-4 of the City Code requires all owners of properties to remove garbage, rubbish, refuse, trash and other offensive materials from sidewalks, footways and alleys. This Ordinance amends section 13-4 by increasing the penalty from \$50 to \$150 for owners of properties from which a business licensed as retail edible is operated. This ordinance also establishes requirements for trash receptacles for mobile vendors of edible commodities.

FISCAL IMPACT STATEMENT: This Ordinance has no anticipated fiscal impact.

POLICY STATEMENT: The proliferation of trash, litter, and sometimes garbage in neighborhoods located near commercial establishments selling edible commodities is unsightly, unhealthy, and has a negative effect on property values. The accumulation of litter, debris, trimmings or trash on any property, including the public right of way, which is generated on, or as a consequence of the use or maintenance of the property is the responsibility of the owner, agent, occupant, or lessee of property.

**AN ORDINANCE TO AMEND CHAPTER 34 OF THE CITY CODE TO
AUTHORIZE PUBLICATION OF A PROBLEM LANDLORD LIST**

#4647

Sponsor:

Council
Member
Turner

Co-Sponsors:

Council
Members
Dixon
Gray
McCoy
Congo

WHEREAS, City Council has an interest in ensuring residents have safe and habitable housing; and

WHEREAS, the Wilmington City Code sets forth standards and requirements relating to safe housing; and

WHEREAS, landlords who fail to maintain their residential properties in compliance with Wilmington City Code requirements create significant health and safety hazards; and

WHEREAS, the issuance of criminal summonses does not always compel compliance with Wilmington City Code requirements; and

WHEREAS, it is the intent of City Council to promote compliance with minimum housing requirements as part of a healthy, safe, and vibrant city; and

WHEREAS, it is the further intent of City Council to make its battle against substandard housing a priority by devoting the necessary resources to make a significant positive impact on the community.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON
HEREBY ORDAINS:**

SECTION 1. Chapter 34 of the City Code is hereby amended by adding a new section 34-10 thereto, with the underlined language to read as follows:

Sec. 34-10 -- Publication of a problem landlord list

- (a) Placement on the list. The Commissioner of the Department of Licenses and Inspections is authorized to identify, compile and publish a list of problem landlords as that term is defined herein. The list shall be published bi-annually in a newspaper of general circulation, on the city's website, and on the city's cable television station and shall include the following information: (1) the name of the problem landlord; (2) if the problem landlord is a legal entity, the name(s) of the officer(s), director(s), or

partners shall also be identified; and (3) the address of the rental dwelling unit(s) described in subsection (1) below. The term "person" as used herein shall include corporations, companies, associations, trustees, business trusts, firms, partnerships, societies and joint stock companies, as well as individuals.

(1) A "problem landlord" means either:

(a) a person who owns a rental dwelling unit as defined in chapter 5, sec. 5-92; and

i. whose rental dwelling unit has been the subject of two or more civil or criminal proceedings within 24 consecutive months wherein the person or entity has either:

1. been found guilty by a court of law of at least one violation of this chapter; or
2. pled guilty or no contest in a court of law to at least one violation of this chapter; or
3. was issued a civil fine by the Department of Licenses and Inspections for a violation of this chapter.

(b) a person who owns a rental dwelling unit as defined in chapter 5, sec. 5-92; and

i. who does not possess a valid city rental dwelling business license as required by chapter 5, sec. 5-92.

(b) *Removal from the list.* If a person identified as a problem landlord maintains he or she has corrected the violations that led to the person's name being included on the problem landlord list, or that he or she has obtained a valid city rental dwelling business license, the person may request that his or her name be removed from the list. Such request shall be submitted in writing to the Commissioner. Upon receipt of the written request, the Commissioner shall cause the rental dwelling unit(s) to be inspected to determine whether the violations have been corrected. A fee shall be assessed for such inspection, and the person shall be responsible for payment of the fee. The fee shall be \$250.00 per building for residential buildings with 12 or less rental dwelling units; and \$500.00 per building for residential buildings with more than 12 rental dwelling units. If the Commissioner determines that the person has corrected the violations and possesses a valid city rental dwelling business license, the Commissioner shall remove the person's name from the problem landlord list. However, no person shall be removed from the list until any and all fines and inspection fees associated with such rental dwelling unit(s) have been paid in-full.

(c) *Appeal.* If a person identified as a problem landlord believes he or she does not meet the definition or criteria of a problem landlord and should not be included on the problem landlord list, the person may request a hearing before the Commissioner or his or her designee. The request shall be submitted in writing to the Commissioner. The issue on appeal shall be limited to whether the person met the definition or criteria of a problem landlord at the time the person was placed on the list.

(d) *Ineligibility for business with the city.* No person shall be eligible to do business with the city if the person is identified as a problem landlord, nor shall any entity in which such a person has a substantial ownership interest be eligible to do business with the city. Provided, however, that this prohibition shall not apply to a specific city contract if the head of the city department administering the contract determines the city is unable to acquire the goods or services provided by the person at comparable price and quality, and in sufficient quantity, from other sources; or the public health, safety and welfare requires it. This prohibition shall apply to persons currently on the city's problem landlord list. Any person who has been removed from the list is not subject to this prohibition.

(1) "*Business with the city*" means

- (a) being awarded a city contract;
- (b) receiving a grant, loan or other form of financial assistance from a city department; or
- (c) having an application for any of the following accepted and processed by the relevant department: (1) an acquisition of city real property; (2) a lease; (3) a street or alley vacation; or (4) a city business license, unless such business license is the reason the person was placed on the problem landlord list.

(2) "*Substantial ownership interest*" means greater than 10 percent ownership interest; provided, however, that if an entity is publicly traded on an exchange, the term "substantial ownership interest" means any officer or director of the entity.

(e) *Enforcement.* The Department of Licenses and Inspections shall administer and enforce this Section. The department may issue rules and regulations as necessary for the proper administration this Section.

SECTION 2. This Ordinance shall become effective ninety (90) days upon its date of passage by the City Council and approval by the Mayor.

First Reading..... April 18, 2019

Second Reading.... April 18, 2019

Third Reading.....

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this ____ day of _____ 2019.

Mayor

SYNOPSIS: This Ordinance authorizes the Department of Licenses and Inspections to publish a list of “problem landlords” as that term is defined by the ordinance. The ordinance provides the City with an additional enforcement tool in achieving compliance with Wilmington City Code housing standards.

FISCAL IMPACT STATEMENT: This Ordinance has no anticipated fiscal impact.

SUBSTITUTE NO. 1 TO ORDINANCE NO. 18-056

**AN ORDINANCE TO AMEND CHAPTER 5 OF THE CITY CODE REGARDING
BUSINESSES**

**Rev. 1
#4610**

WHEREAS, City Council has enacted Chapter 5 of the City Code setting forth requirements for businesses; and

Sponsor:

**Council
Member
McCoy**

WHEREAS, the City has an interest in protecting the safety and well-being of children within the City; and

Co-sponsors:

**Council
Member
Dixon
Oliver
Turner**

WHEREAS, businesses in the City are currently placing tobacco products and related items in stores next to items intended for use or consumption by children;

WHEREAS, City Council deems it proper to amend the City Code by adding Section 5-2 to require businesses that sell tobacco products and related items to place such products behind a counter in a location that is not accessible to customers unless an employee of the business intervenes; and

WHEREAS, the State of Delaware Department of Homeland Security Division of Alcohol and Tobacco Enforcement expresses willingness to join the City in its efforts by helping the City identify businesses within the City that place tobacco products and related items within the reach or eyesight of children.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON
HEREBY ORDAINS:**

SECTION 1. Chapter 5 of the City Code is hereby amended by adding the underlined language to read as follows:

Sec. 5-3. – Businesses selling tobacco products.

(a) Definitions.

- (1) “Electronic smoking device” means a nonlighted, noncombustible device that employs a mechanical heating element, battery, or circuit, regardless of shape or size, to produce aerosolized or vaporized nicotine for inhalation into the body of an individual. “Electronic smoking device” includes a device that is manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, vape pen, or any other similar product with any other product name or descriptor.
 - (2) “Tobacco paraphernalia” means any item traditionally intended for use with tobacco products, including any pipe, paper, or accessory.
 - (3) “Tobacco product” means any product that contains tobacco, including, but not limited to, cigarettes, as defined in section 36-4(3), cigars, pipe tobacco, snuff or smokeless tobacco and is intended for human consumption or use.
- (b) *Prohibited Placement.* Except as otherwise specified in this section, no establishment that sells tobacco products, tobacco paraphernalia, or electronic smoking devices at retail may display, store, or place any such products, devices, or items, unless such item:
- (1) Is not immediately accessible to customers;
 - (2) Is accessible only to the owner or operator of the business or an agent of the owner or operator; and
 - (3) Is stored, displayed, placed, or offered for sale behind a checkout counter.
- (c) *Enforcement and penalties.*
- (1) Enforcement. In accordance with section 5-32(c), the commissioner of licenses and inspections in the exercise of the duties imposed upon him and acting through his deputies, shall examine establishments bound by the terms of this section to ascertain whether there is compliance with this section, and is authorized to issue and collect fines, and administer hearings pursuant to this section.
 - (2) Penalty. Any person or entity who violates this section is subject to a civil fine of not more than: two hundred fifty dollars (\$250) for the first violation; five hundred dollars (\$500) for the second violation; and one thousand dollars (\$1,000) for subsequent violations.
 - i. In addition to being subject to a civil fine pursuant to this Section, any person or entity who violates this section three or more times must also appear before the license and inspection review board for the board to determine whether to suspend or revoke that person’s or entity’s business license.

SECTION 2. This Substitute Ordinance shall become effective on July 15, 2019 upon its passage by City Council and approval by the Mayor.

First Reading..... December 13, 2018
Second Reading..... December 13, 2018
Third Reading.....

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this ____ day of _____, 2019.

Mayor

SYNOPSIS: This Substitute Ordinance amends Chapter 5 of the City Code requiring businesses that sell tobacco products, electronic smoking devices, or tobacco paraphernalia to place such items behind a counter in an area that is not accessible to customers without the intervention of an employee of the business so as not to be placed within the reach of children. The State of Delaware Department of Homeland Security Division of Alcohol and Tobacco Enforcement has expressed an interest in helping the City to identify businesses that do not comply with this amended section of the City Code.

FISCAL IMPACT STATEMENT: This Ordinance has no anticipated fiscal impact.

Wilmington, Delaware
May 16, 2019

#XXXX

Sponsor:

Council
President
Shabazz

WHEREAS, 2018 has shown an unprecedented number of female candidates running for office as compared to previous years; and

WHEREAS, the Federal Election Commission ruled in May of 2018 that federal candidates can utilize campaign funds to pay for child care costs that result from time spent campaigning; and

WHEREAS, while many states have recently begun to adopt legislative provisions that permit the use of campaign funds for child care, Delaware does not currently have such provision; and

WHEREAS, the City of Wilmington is supportive of those that fulfill the caregiver role in their families, and recognizes that running for office can place a heavier toll on families that may require additional child support because of time spent on the campaign trail; and

WHEREAS, the City believes that people with all different types of living situations should have the support to be civically engaged; and

WHEREAS, the City Council respectfully calls on the Delaware General Assembly to support caregivers by adopting legislation that permits the use of campaign funds for additional child care that arises due to campaigning.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that the City Council recognizes and supports caregivers that face the challenges of campaigning. City Council believes in providing equal opportunity to all people, and calls on the Delaware General Assembly to pass legislation that would permit the use of campaign funds for child care needs.

Passed by City Council,

Attest: _____
City Clerk

SYNOPSIS: This Resolution calls on the Delaware General Assembly to pass legislation that would permit the use of campaign funds for child care needs and services due to the time needed to campaign for office.

Wilmington, Delaware
May 16, 2019

#XXXX

Sponsor:

**Council
President
Shabazz**

WHEREAS, despite the United States spending more than any other country on health care, maternal mortality rates continue to climb throughout the country, including in Delaware; and

WHEREAS, black women are at high risk for pregnancy-related mortality. According to a report conducted by the Centers for Disease Control and Prevention, black women are three to four times as likely to die due to childbirth and pregnancy-related complications than white women; and

WHEREAS, the population in the City of Wilmington primarily identifies as black. The City also has a slightly larger female population, with 53% of the population identifying as female. Recent research conducted on the demographics of Wilmington found that the average family size in Wilmington is 3.33 individuals, which indicates that many families have at least one child; and

WHEREAS, there is a growing body of evidence that suggests that the use of doulas or other non-clinical labor support may improve positive birth outcomes for both mothers and infants; and

WHEREAS, a doula is a trained professional that provides continuous physical and emotional support during and shortly after childbirth. Doulas typically serve as advocates for the mother and can help guide them through the birthing process with both vaginal and cesarean births. Doulas also provide support to mothers after childbirth with breastfeeding and with the transitional issues that come with adding an additional person to the family; and

WHEREAS, research has shown that doulas may improve birth outcomes for women at-risk for adverse birth outcomes due to racial disparities by decreasing mortality risks associated with cesarean births, operative vaginal births, use of analgesics and duration of labor; and

WHEREAS, there is also research that suggests that the usage of doulas may save state Medicaid dollars. Medicaid covers a large number of births, and a study published in 2016 found that women who received doula support had lower preterm and caesarean birth rates than Medicaid beneficiaries regionally, leading to an average cost-savings of \$986; and

WHEREAS, some states have begun to provide reimbursement through Medicaid or to introduce legislation that would add doula services as a covered benefit for Medicaid. In 2018, New Jersey and New York were two such states that have passed legislation with interest in the usage and support of doulas; and

WHEREAS, the City Council respectfully calls on the Delaware General Assembly to develop a task force to further investigate the potential maternal health benefits of doulas and Medicaid coverage of doulas for the state of Delaware.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that the City Council recognizes that the increase in maternal mortality rates throughout the United States, despite spending the most on health care, is indicative of a massive problem in our health care system that puts black women particularly at risk. By conducting further research on maternal mortality rates in Delaware and the potential for doulas to increase positive birth outcomes, we can lower these risks associated with pregnancy and childbirth.

Passed by City Council,

Attest: _____
City Clerk

SYNOPSIS: This Resolution calls on the Delaware General Assembly to create a task force that will examine the potential positive benefits of doulas on maternal mortality rates throughout the state of Delaware.

Wilmington, Delaware
May 16, 2019

#XXXX

Sponsor:

**Council
President
Shabazz**

WHEREAS, extensive research has shown that breastfeeding carries many positive benefits for both the mother and child; and

WHEREAS, studies have shown that the cells, hormones and antibodies in breastmilk help protect babies from illness, and can lower risks for many different conditions for infants, including asthma, leukemia (during childhood), obesity (during childhood), lower respiratory infections and sudden infant death syndrome (SIDS); and

WHEREAS, there are also several societal benefits to breastfeeding. Research shows that breastfeeding can lower medical costs for infants as they are less likely to need sick care visits and hospitalizations, and that mothers who breastfeed may miss less work to care for sick infants than mothers who feed their infants formula; and

WHEREAS, breastfeeding has many positive benefits for mothers as well. Breastfeeding improves a mother's health and healing following childbirth, and has shown to reduce risk of type 2 diabetes, certain types of breast cancer and ovarian cancer; and

WHEREAS, under the Fair Labor Standards Act – Break Time for Nursing Mothers Provision, employees may request a place, other than a bathroom, that is shielded from view to breastfeed; and

WHEREAS, it is important that we support mothers returning to work that choose to breastfeed by providing them with the appropriate accommodations that will support their needs and comfort; and

WHEREAS, City Council encourages the Delaware General Assembly to provide additional accommodations for working mothers that choose to breastfeed, such as requiring

outlets and a refrigerator in a room designated as a lactation space, and to encourage employers to distribute their policies on lactation accommodations to their employees; and

WHEREAS, the City Council respectfully calls on the Delaware General Assembly to support mothers that choose to breastfeed by adopting and implementing appropriate legislation.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that the City Council recognizes and supports mothers that decide to breastfeed. City Council recognizes the many societal and health benefits of breastfeeding and calls on the Delaware General Assembly to pass legislation that would support breastfeeding in the workplace.

Passed by City Council,

Attest: _____
City Clerk

SYNOPSIS: This Resolution calls on the Delaware General Assembly to pass legislation that would support mothers that choose to breastfeed in the workplace, and encourages employers to distribute their policies on lactation accommodations to their employees.